

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**August 20, 2004**

**IN RE:** )  
 )  
**PETITION FOR APPROVAL OF** )  
**AMENDMENT TO THE INTERCONNECTION** )  
**AGREEMENT BETWEEN BELL SOUTH** )  
**TELECOMMUNICATIONS, INC. AND NUVOX** )  
**COMMUNICATIONS, INC. F/K/A** )  
**TRIVERGENT COMMUNICATIONS, INC.** )

**DOCKET NO.**  
**04-00146**

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**ORDER APPROVING  
EIGHTH AMENDMENT TO THE INTERCONNECTION AGREEMENT**

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This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 26, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the eighth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NuVox Communications, Inc. f/k/a Trivergent Communications, Inc.

The original interconnection agreement between these parties was filed on August 18, 2000, and was assigned Docket No. 00-00736. It was approved at a regularly scheduled Authority Conference on October 24, 2000. The first amendment was filed on May 10, 2001, under Docket No. 01-00420 and was approved at a regularly scheduled Authority Conference on July 10, 2001. The second amendment was filed on November 30, 2001, under Docket No. 01-01041 and the third amendment<sup>1</sup> was filed on January 16, 2003, in Docket No. 01-01041. Both

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<sup>1</sup> This amendment changed Trivergent Communications, Inc.'s name to NuVox Communications, Inc.

filings were approved at a regularly scheduled Authority Conference held on January 23, 2002. The fourth amendment was filed on January 16, 2002, under Docket No. 01-01095 and was approved at a regularly scheduled Authority Conference on February 5, 2002. The fifth amendment was filed on July 24, 2002, under Docket No. 02-00807 and was approved at a regularly scheduled Authority Conference on September 9, 2002. The sixth amendment was filed on September 5, 2002, under Docket No. 02-00957 and was approved at a regularly scheduled Authority Conference on October 7, 2002. The seventh amendment was filed on October 1, 2003, under Docket No. 03-00541 and was approved at a regularly scheduled Authority Conference on November 24, 2003. The eighth amendment, which is the subject of this docket, was filed on May 17, 2004.

Based upon a review of the amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within BellSouth Telecommunications, Inc.'s service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it "discriminates against a telecommunications carrier, not a party to the agreement" or if the implementation of the agreement "is not consistent with the public interest, convenience or necessity." Unlike arbitrated agreements, a state commission may not reject a

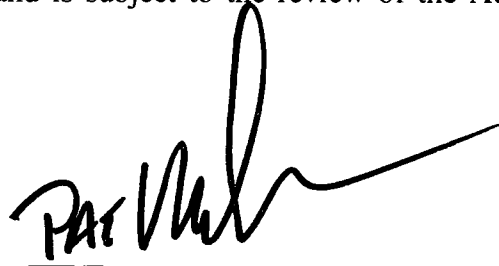
negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>2</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the eighth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NuVox Communications, Inc. f/k/a Trivergent Communications, Inc. is approved and is subject to the review of the Authority as provided herein.

  
Pat Miller, Chairman  
Deborah Taylor Tate, Director  
Sara Kyle, Director

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<sup>2</sup> See 47 U.S.C. § 252(e)(2)(B)